IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 20685 of 2004

Between:

1 Galem Laxminarayana, S/o.Subbanna,
R/o.Vedantapuram, Koyala Gudem Mandal,
West Godavari Dist.
2 Maddala Mangamma, W/o.Maddala Tata Rao,
R/o.Byanna Gudem, Koyala Gudem Mandal, West Godavari Dist.

..... PETITIONERS

AND

1 The Govt. of A.P.rep.by its Secretary Social Welfare Secretariat Building,
Hyderabad.
2 The Agent to Government, West Godavari District, Eluru (Dist.Collector)
3 The Revenue Divisional officer, Janga Reddy Gudem, Town West Godavari
Dist.
4 The M.R.O., Buttaigudem Mandal, West Godavari Dist.
5 Gugulothu Mohan Rao, S/o.not known
R/o.Koya Rajahmundry, Buttaiah Gudem Mandal,
W.G.Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ, order or direction declaring the action of the Respondents No.1 to 4 in not providing protection to the petition schedule land though stay orders are in their favour has illegal arbitrary and violative of Article 14 and 21 of the Constitution of India and issue consequential direction to the respondents to give protection to petition schedule land from others.

Counsel for the Petitioners:MR.N.S.BHASKARA RAO

Counsel for the Respondents 1 to 4: GP FOR REVENUE

The Court, at the stage of admission, made the following :

ORDER

Against the ejectment order passed by the Special Deputy Collector (TW), dated 15.7.1992, the petitioners filed an appeal in S.R.A.No.15 of 1992 before the Agent to Government (West Godavari District Collector, Eluru) and the same was dismissed on 5.12.2000. Aggrieved by the same, the petitioners filed a revision before the Government-first respondent, and pending the same, they invoked the jurisdiction of this Court by filing W.P.No. 2671 of 2001. This Court, while granting stay, directed the first respondent to dispose of the revision. While the matter stood thus, the petitioners approached the Station House Officer, Buttaiah Gudem for protection of the land from the encroachment by the tribals. It is stated that, on advice of the Station House Officer, Buttaiah Gudem, petitioners approached the Mandal Revenue Officer-fourth respondent herein, who by order dated 23.10.2004 directed the Station House Officer, Buttaiah Gudem to provide necessary protection and, according to the petitioners, a copy of the same was also handed over to the petitioners. According to the petitioners, since the fourth respondent has not forwarded a copy of the order dated 23.10.2004, the Station House Officer, Buttaiah Gudem, the police are not providing any protection. In view of the same, the petitioners moved this Court by way of present writ petition.

Since, the Station House Officer, Buttaiah Gudem, is not a party to this writ petition, no direction can be issued to him for protection of the lands of the petitioners.

In the circumstances of the case, it is suffice to direct the Mandal Revenue Officer-fourth respondent to forward a copy of order dated Nil-10.2004 stated to have been issued for grant of police protection for the subject lands, to the Station House Officer, Buttaiah Gudem, for further action in the matter in accordance with law.

With the above direction, the writ petition is disposed of. No costs.

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A. GOPAL REDDY. J.

10th November, 2004

Note: Issue operative portion by wire

at party's costs.

(B/o)

tsr.

To

1 The Secretary, Social Welfare Secretariat Building, Hyderabad.
2 The Agent to Government, West Godavari District, Eluru (Dist.Collector)
3 The Revenue Divisional officer, Janga Reddy Gudem, Town West Godavari Dist.
4 The M.R.O., Buttaigudem Mandal, West Godavari Dist

5. Two C.C.s to Government Pleader for Revenue, High Court Buildings, Hyderabad.

6. Two C.D. copies.